

Senate File 510

H-1365

1 Amend Senate File 510, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <DIVISION I

6 STANDING APPROPRIATIONS AND RELATED MATTERS

7 Section 1. BUDGET PROCESS FOR FISCAL YEAR 2016-2017
8 AND FISCAL YEAR 2017-2018.

9 1. For the budget process applicable to the fiscal
10 year beginning July 1, 2016, on or before October 1,
11 2015, in lieu of the information specified in section
12 8.23, subsection 1, unnumbered paragraph 1, and
13 paragraph "a", all departments and establishments of
14 the government shall transmit to the director of the
15 department of management, on blanks to be furnished
16 by the director, estimates of their expenditure
17 requirements, including every proposed expenditure, for
18 the ensuing fiscal year, together with supporting data
19 and explanations as called for by the director of the
20 department of management after consultation with the
21 legislative services agency.

22 2. The estimates of expenditure requirements
23 shall be in a form specified by the director of
24 the department of management, and the expenditure
25 requirements shall include all proposed expenditures
26 and shall be prioritized by program or the results to
27 be achieved. The estimates shall be accompanied by
28 performance measures for evaluating the effectiveness
29 of the programs or results.

30 Sec. 2. LIMITATIONS OF STANDING APPROPRIATIONS

31 — FY 2015-2016. Notwithstanding the standing
32 appropriations in the following designated sections for
33 the fiscal year beginning July 1, 2015, and ending June
34 30, 2016, the amounts appropriated from the general
35 fund of the state pursuant to these sections for the
36 following designated purposes shall not exceed the
37 following amounts:

38 1. For operational support grants and community
39 cultural grants under section 99F.11, subsection 3,
40 paragraph "d", subparagraph (1):

41 \$ 416,702

42 2. For payment for nonpublic school transportation
43 under section 285.2:

44 \$ 8,560,931

45 If total approved claims for reimbursement for
46 nonpublic school pupil transportation exceed the amount
47 appropriated in accordance with this subsection, the
48 department of education shall prorate the amount of
49 each approved claim.

50 3. For the enforcement of chapter 453D relating to

1 tobacco product manufacturers under section 453D.8:
2 \$ 18,416

3 Sec. 3. LIMITATIONS OF STANDING APPROPRIATIONS
4 — FY 2016-2017. Notwithstanding the standing
5 appropriations in the following designated sections for
6 the fiscal year beginning July 1, 2016, and ending June
7 30, 2017, the amounts appropriated from the general
8 fund of the state pursuant to these sections for the
9 following designated purposes shall not exceed the
10 following amounts:

11 1. For operational support grants and community
12 cultural grants under section 99F.11, subsection 3,
13 paragraph "d", subparagraph (1):

14 \$ 208,351

15 2. For payment for nonpublic school transportation
16 under section 285.2:

17 \$ 8,560,931

18 If total approved claims for reimbursement for
19 nonpublic school pupil transportation exceed the amount
20 appropriated in accordance with this subsection, the
21 department of education shall prorate the amount of
22 each approved claim.

23 3. For the enforcement of chapter 453D relating to
24 tobacco product manufacturers under section 453D.8:

25 \$ 9,208

26 Sec. 4. INSTRUCTIONAL SUPPORT STATE AID —
27 FY 2015-2016 — FY 2016-2017. In lieu of the
28 appropriation provided in section 257.20, subsection 2,
29 the appropriation for the fiscal years beginning July
30 1, 2015, and July 1, 2016, for paying instructional
31 support state aid under section 257.20 for such fiscal
32 years is zero.

33 Sec. 5. GENERAL ASSEMBLY.

34 1. The appropriations made pursuant to section
35 2.12 for the expenses of the general assembly and
36 legislative agencies for the fiscal year beginning July
37 1, 2015, and ending June 30, 2016, are reduced by the
38 following amount:

39 \$ 5,750,000

40 2. The budgeted amounts for the general assembly
41 and legislative agencies for the fiscal year beginning
42 July 1, 2015, may be adjusted to reflect the unexpended
43 budgeted amounts from the previous fiscal year.

44 3. Annual membership dues for organizations,
45 associations, and conferences shall not be paid from
46 moneys appropriated pursuant to section 2.12.

47 4. Costs for out-of-state travel and per diems
48 for out-of-state travel shall not be paid from moneys
49 appropriated pursuant to section 2.12.

50 Sec. 6. TECHNOLOGY REINVESTMENT FUND APPROPRIATION

1 — LIMITATION. Notwithstanding the standing
2 appropriation in section 8.57C, subsection 3, paragraph
3 "a", for the fiscal year beginning July 1, 2015,
4 and ending June 30, 2016, the amount appropriated
5 from the general fund of the state to the technology
6 reinvestment fund shall not exceed the following
7 amount:

8 \$ 9,000,000

9 Sec. 7. Section 142C.15, subsection 4, paragraph c,
10 unnumbered paragraph 1, Code 2015, is amended to read
11 as follows:

12 ~~Not more than fifty percent of the Any unobligated~~
13 moneys in the fund annually may be expended in
14 the form of grants to transplant recipients,
15 transplant candidates, living organ donors, or
16 to legal representatives on behalf of transplant
17 recipients, transplant candidates, or living organ
18 donors. Transplant recipients, transplant candidates,
19 living organ donors, or the legal representatives
20 of transplant recipients, transplant candidates, or
21 living organ donors shall submit grant applications
22 with supporting documentation provided by a hospital
23 that performs transplants, verifying that the person
24 by or for whom the application is submitted requires a
25 transplant or is a living organ donor and specifying
26 the amount of the costs associated with the following,
27 if funds are not available from any other third-party
28 payor:

29 Sec. 8. Section 257.35, Code 2015, is amended by
30 adding the following new subsection:

31 NEW SUBSECTION. 9A. Notwithstanding subsection 1,
32 and in addition to the reduction applicable pursuant
33 to subsection 2, the state aid for area education
34 agencies and the portion of the combined district cost
35 calculated for these agencies for the fiscal year
36 beginning July 1, 2015, and ending June 30, 2016, shall
37 be reduced by the department of management by fifteen
38 million dollars. The reduction for each area education
39 agency shall be prorated based on the reduction that
40 the agency received in the fiscal year beginning July
41 1, 2003.

42 DIVISION II

43 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

44 Sec. 9. EXECUTIVE COUNCIL — APPROPRIATION —
45 ORGANIZATIONAL MEMBERSHIP DUES.

46 1. There is appropriated from the general fund of
47 the state to the executive council for the fiscal year
48 beginning July 1, 2015, and ending June 30, 2016, the
49 following amount, or so much thereof as is necessary,
50 to be used for the purposes designated:

1 For annual membership dues for organizations,
2 associations, and conferences paid by an executive
3 branch department or agency:

4 \$ 500,000

5 2. An executive branch department or agency must
6 apply to the executive council for approval prior to
7 beginning a new membership or renewing a membership
8 in an organization, association, or conference.
9 Upon approval of a new membership or renewal of a
10 membership, the executive council may transfer moneys
11 appropriated pursuant to this section to the applicant
12 executive branch department or agency for purposes of
13 paying membership dues.

14 Sec. 10. IOWA NEW JOBS TRAINING AGREEMENTS. An
15 Iowa community college that entered into a new jobs
16 training agreement pursuant to chapter 260E, which was
17 effective in April 2012, with an Iowa employer may
18 enter into a new agreement with such employer pursuant
19 to chapter 260E, which will be effective September
20 2015, and may use the base employment determined in
21 April 2012 as the base employment for determining
22 the new jobs eligible under the new agreement if the
23 base employment determined in April 2012 was 2,125
24 employees. The new agreement under chapter 260E shall
25 be limited to seven years from the effective date of
26 the agreement.

27 Sec. 11. Section 8D.4, Code 2015, is amended to
28 read as follows:

29 **8D.4 Executive director appointed.**

30 The commission, in consultation with the director
31 of the department of administrative services and the
32 chief information officer, shall appoint an executive
33 director of the commission, subject to confirmation
34 by the senate. Such individual shall not serve as
35 a member of the commission. The executive director
36 shall serve at the pleasure of the commission. The
37 executive director shall be selected primarily for
38 administrative ability and knowledge in the field,
39 without regard to political affiliation. The governor
40 shall establish the salary of the executive director
41 within the applicable salary range ~~nine~~ as established
42 by the general assembly. The salary and support of the
43 executive director shall be paid from funds deposited
44 in the Iowa communications network fund.

45 Sec. 12. **NEW SECTION. 70A.40 Elective public**
46 **officer contact information.**

47 1. Within thirty days of an elective public officer
48 swearing to an oath of office, the governmental entity
49 the officer serves shall provide the officer with
50 designated contact information with the governmental

1 entity. A governmental entity that maintains an
2 internet site shall cause to be published the contact
3 information for each of the entity's elective public
4 officers on the internet site maintained by the entity.
5 An elective public officer shall provide additional
6 contact information that would normally be used to make
7 contact with the officer to the governmental entity to
8 be published as provided in this section for designated
9 contact information.

10 2. a. For the purposes of this section, "contact
11 information" means a telephone number and an electronic
12 mail address.

13 b. For the purposes of this section, "elective
14 public officer" or "officer" means all of the following:

- 15 (1) Members of the general assembly.
- 16 (2) Members of a county board of supervisors.
- 17 (3) Members of a city council.
- 18 (4) Members of a board of directors of a school
19 district.

20 Sec. 13. Section 123.132, subsection 3, as enacted
21 by 2015 Iowa Acts, Senate File 456, section 1, is
22 amended to read as follows:

23 3. A container of beer other than the original
24 container that is sold and sealed in compliance with
25 the requirements of subsection 2 and the division's
26 rules shall not be deemed an open container subject to
27 the requirements of sections 321.284 and 321.284A if
28 the sealed container is unopened and the seal has not
29 been tampered with, and the contents of the container
30 have not been partially removed.

31 DIVISION III

32 SALARIES, COMPENSATION, AND RELATED MATTERS

33 Sec. 14. SALARY MODEL ADMINISTRATOR. The salary
34 model administrator shall work in conjunction with
35 the legislative services agency to maintain the
36 state's salary model used for analyzing, comparing,
37 and projecting state employee salary and benefit
38 information, including information relating to
39 employees of the state board of regents. The
40 department of revenue, the department of administrative
41 services, the five institutions under the jurisdiction
42 of the state board of regents, the judicial district
43 departments of correctional services, and the state
44 department of transportation shall provide salary data
45 to the department of management and the legislative
46 services agency to operate the state's salary
47 model. The format and frequency of provision of the
48 salary data shall be determined by the department of
49 management and the legislative services agency. The
50 information shall be used in collective bargaining

1 processes under chapter 20 and in calculating the
2 funding needs contained within the annual salary
3 adjustment legislation. A state employee organization
4 as defined in section 20.3, subsection 4, may request
5 information produced by the model, but the information
6 provided shall not contain information attributable to
7 individual employees.

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DIVISION IV
CORRECTIVE PROVISIONS

10 Sec. 15. Section 123.122, Code 2015, as amended by
11 2015 Iowa Acts, House File 536, section 48, is amended
12 to read as follows:

13 **123.122 Permit or license required.**

14 A person shall not manufacture for sale or sell
15 beer at wholesale or retail unless a permit is first
16 obtained as provided in this subchapter or, a liquor
17 control license authorizing the retail sale of beer is
18 first obtained as provided in ~~division~~ subchapter I of
19 this chapter. A liquor control license holder is not
20 required to hold a separate class "B" beer permit.

21 Sec. 16. Section 227.10, Code 2015, as amended by
22 2015 Iowa Acts, Senate File 463, section 53, is amended
23 to read as follows:

24 **227.10 Transfers from county or private**
25 **institutions.**

26 Patients who have been admitted at public expense
27 to any institution to which this chapter is applicable
28 may be involuntarily transferred to the proper
29 state hospital for persons with mental illness in
30 the manner prescribed by sections 229.6 to 229.13.
31 The application required by section 229.6 may be
32 filed by the administrator of the division or the
33 administrator's designee, or by the administrator
34 of the institution where the patient is then being
35 maintained or treated. If the patient was admitted to
36 that institution involuntarily, the administrator of
37 the division may arrange and complete the transfer, and
38 shall report it as required of a chief medical officer
39 under section 229.15, subsection 5. The transfer
40 shall be made at the mental health and ~~disabilities~~
41 disability services region's expense, and the expense
42 recovered, as provided in section 227.7. However,
43 transfer under this section of a patient whose expenses
44 are payable in whole or in part by a the mental health
45 and ~~disabilities~~ disability services region is subject
46 to an authorization for the transfer through the
47 regional administrator for the patient's county of
48 residence.

49 Sec. 17. Section 227.14, Code 2015, as amended by
50 2015 Iowa Acts, Senate File 463, section 56, is amended

1 to read as follows:

2 **227.14 Caring for persons with mental illness from**
3 **other counties.**

4 The regional administrator for a county that does
5 not have proper facilities for caring for persons
6 with mental illness may, with the consent of the
7 administrator of the division, provide for such care
8 at the expense of the mental health and ~~disabilities~~
9 disability services region in any convenient and proper
10 county or private institution for persons with mental
11 illness which is willing to receive the persons.

12 Sec. 18. Section 229.1B, Code 2015, as amended by
13 2015 Iowa Acts, Senate File 463, section 59, is amended
14 to read as follows:

15 **229.1B Regional administrator.**

16 Notwithstanding any provision of this chapter to the
17 contrary, any person whose hospitalization expenses
18 are payable in whole or in part by a mental health
19 and ~~disabilities~~ disability services region shall be
20 subject to all administrative requirements of the
21 regional administrator for the county.

22 Sec. 19. Section 229.2, subsection 1, paragraph b,
23 subparagraph (3), Code 2015, as amended by 2015 Iowa
24 Acts, Senate File 463, section 60, is amended to read
25 as follows:

26 (3) As soon as is practicable after the filing of a
27 petition for juvenile court approval of the admission
28 of the minor, the juvenile court shall determine
29 whether the minor has an attorney to represent the
30 minor in the hospitalization proceeding, and if not,
31 the court shall assign to the minor an attorney. If
32 the minor is financially unable to pay for an attorney,
33 the attorney shall be compensated by the mental
34 health and ~~disabilities~~ disability services region
35 at an hourly rate to be established by the regional
36 administrator for the county in which the proceeding
37 is held in substantially the same manner as provided
38 in section 815.7.

39 Sec. 20. Section 229.8, subsection 1, Code 2015, as
40 amended by 2015 Iowa Acts, Senate File 463, section 61,
41 is amended to read as follows:

42 1. Determine whether the respondent has an attorney
43 who is able and willing to represent the respondent in
44 the hospitalization proceeding, and if not, whether the
45 respondent is financially able to employ an attorney
46 and capable of meaningfully assisting in selecting one.
47 In accordance with those determinations, the court
48 shall if necessary allow the respondent to select, or
49 shall assign to the respondent, an attorney. If the
50 respondent is financially unable to pay an attorney,

1 the attorney shall be compensated by the mental
2 health and ~~disabilities~~ disability services region
3 at an hourly rate to be established by the regional
4 administrator for the county in which the proceeding
5 is held in substantially the same manner as provided
6 in section 815.7.

7 Sec. 21. Section 229.10, subsection 1, paragraph a,
8 Code 2015, as amended by 2015 Iowa Acts, Senate File
9 463, section 62, is amended to read as follows:

10 a. An examination of the respondent shall be
11 conducted by one or more licensed physicians, as
12 required by the court's order, within a reasonable
13 time. If the respondent is detained pursuant to
14 section 229.11, subsection 1, paragraph "b", the
15 examination shall be conducted within twenty-four
16 hours. If the respondent is detained pursuant to
17 section 229.11, subsection 1, paragraph "a" or "c",
18 the examination shall be conducted within forty-eight
19 hours. If the respondent so desires, the respondent
20 shall be entitled to a separate examination by a
21 licensed physician of the respondent's own choice.
22 The reasonable cost of the examinations shall, if the
23 respondent lacks sufficient funds to pay the cost, be
24 paid by the regional administrator from mental health
25 and ~~disabilities~~ disability services region funds upon
26 order of the court.

27 Sec. 22. Section 229.11, subsection 1, unnumbered
28 paragraph 1, Code 2015, as amended by 2015 Iowa Acts,
29 Senate File 463, section 63, is amended to read as
30 follows:

31 If the applicant requests that the respondent
32 be taken into immediate custody and the judge,
33 upon reviewing the application and accompanying
34 documentation, finds probable cause to believe that
35 the respondent has a serious mental impairment and is
36 likely to injure the respondent or other persons if
37 allowed to remain at liberty, the judge may enter a
38 written order directing that the respondent be taken
39 into immediate custody by the sheriff or the sheriff's
40 deputy and be detained until the hospitalization
41 hearing. The hospitalization hearing shall be held no
42 more than five days after the date of the order, except
43 that if the fifth day after the date of the order is a
44 Saturday, Sunday, or a holiday, the hearing may be held
45 on the next succeeding business day. If the expenses
46 of a respondent are payable in whole or in part by
47 a mental health and ~~disabilities~~ disability services
48 region, for a placement in accordance with paragraph
49 "a", the judge shall give notice of the placement to
50 the regional administrator for the county in which the

1 court is located, and for a placement in accordance
2 with paragraph "b" or "c", the judge shall order the
3 placement in a hospital or facility designated through
4 the regional administrator. The judge may order
5 the respondent detained for the period of time until
6 the hearing is held, and no longer, in accordance
7 with paragraph "a", if possible, and if not then in
8 accordance with paragraph "b", or, only if neither of
9 these alternatives is available, in accordance with
10 paragraph "c". Detention may be:

11 Sec. 23. Section 229.13, subsection 1, paragraph a,
12 Code 2015, as amended by 2015 Iowa Acts, Senate File
13 463, section 64, is amended to read as follows:

14 a. The court shall order a respondent whose
15 expenses are payable in whole or in part by a mental
16 health and ~~disabilities~~ disability services region
17 placed under the care of an appropriate hospital or
18 facility designated through the county's regional
19 administrator on an inpatient or outpatient basis.

20 Sec. 24. Section 229.14, subsection 2, paragraph a,
21 Code 2015, as amended by 2015 Iowa Acts, Senate File
22 463, section 65, is amended to read as follows:

23 a. For a respondent whose expenses are payable in
24 whole or in part by a mental health and ~~disabilities~~
25 disability services region, placement as designated
26 through the county's regional administrator in the care
27 of an appropriate hospital or facility on an inpatient
28 or outpatient basis, or other appropriate treatment, or
29 in an appropriate alternative placement.

30 Sec. 25. Section 229.14A, subsection 7, Code 2015,
31 as amended by 2015 Iowa Acts, Senate File 463, section
32 66, is amended to read as follows:

33 7. If a respondent's expenses are payable in
34 whole or in part by a mental health and ~~disabilities~~
35 disability services region through the county's
36 regional administrator, notice of a placement hearing
37 shall be provided to the county attorney and the
38 regional administrator. At the hearing, the county may
39 present evidence regarding appropriate placement.

40 Sec. 26. Section 229.42, subsection 1, Code 2015,
41 as amended by 2015 Iowa Acts, Senate File 463, section
42 68, is amended to read as follows:

43 1. If a person wishing to make application for
44 voluntary admission to a mental hospital established
45 by chapter 226 is unable to pay the costs of
46 hospitalization or those responsible for the person are
47 unable to pay the costs, application for authorization
48 of voluntary admission must be made through a regional
49 administrator before application for admission
50 is made to the hospital. The person's county of

1 residence shall be determined through the regional
2 administrator and if the admission is approved through
3 the regional administrator, the person's admission
4 to a mental health hospital shall be authorized as a
5 voluntary case. The authorization shall be issued on
6 forms provided by the department of human services'
7 administrator. The costs of the hospitalization shall
8 be paid by the county of residence through the regional
9 administrator to the department of human services and
10 credited to the general fund of the state, provided
11 that the mental health hospital rendering the services
12 has certified to the county auditor of the county of
13 residence and the regional administrator the amount
14 chargeable to the mental health and ~~disabilities~~
15 disability services region and has sent a duplicate
16 statement of the charges to the department of human
17 services. A mental health and ~~disabilities~~ disability
18 services region shall not be billed for the cost of a
19 patient unless the patient's admission is authorized
20 through the regional administrator. The mental health
21 institute and the regional administrator shall work
22 together to locate appropriate alternative placements
23 and services, and to educate patients and family
24 members of patients regarding such alternatives.

25 Sec. 27. Section 230.1, subsection 3, Code 2015, as
26 amended by 2015 Iowa Acts, Senate File 463, section 69,
27 is amended to read as follows:

28 3. A mental health and ~~disabilities~~ disability
29 services region or county of residence is not liable
30 for costs and expenses associated with a person with
31 mental illness unless the costs and expenses are for
32 services and other support authorized for the person
33 through the county's regional administrator. For the
34 purposes of this chapter, "*regional administrator*" means
35 the same as defined in section 331.388.

36 Sec. 28. Section 230.20, subsection 2, paragraph b,
37 Code 2015, as amended by 2015 Iowa Acts, Senate File
38 463, section 71, is amended to read as follows:

39 b. The per diem costs billed to each mental health
40 and ~~disabilities~~ disability services region shall
41 not exceed the per diem costs billed to the county
42 in the fiscal year beginning July 1, 1996. However,
43 the per diem costs billed to a mental health and
44 ~~disabilities~~ disability services region may be adjusted
45 annually to reflect increased costs, to the extent of
46 the percentage increase in the statewide per capita
47 expenditure target amount, if any per capita growth
48 amount is authorized by the general assembly for the
49 fiscal year in accordance with section 426B.3.

50 Sec. 29. Section 279.10, subsection 1, Code 2015,

1 as amended by 2015 Iowa Acts, Senate File 227, section
2 2, is amended to read as follows:

3 1. The school year for each school district and
4 accredited nonpublic school shall begin on July 1 and
5 the school calendar shall begin no sooner than August
6 23 and no later than the first Monday in December.
7 The school calendar shall include not less than one
8 hundred eighty days, ~~except as provided in subsection~~
9 ~~3,~~ or one thousand eighty hours of instruction during
10 the calendar year. The board of directors of a school
11 district and the authorities in charge of an accredited
12 nonpublic school shall determine the school start
13 date for the school calendar in accordance with this
14 subsection and shall set the number of days or hours of
15 required attendance for the school year as provided in
16 section 299.1, subsection 2, but the board of directors
17 of a school district shall hold a public hearing on
18 any proposed school calendar prior to adopting the
19 school calendar. If the board of directors of a
20 district or the authorities in charge of an accredited
21 nonpublic school extends the school calendar because
22 inclement weather caused the school district or
23 accredited nonpublic school to temporarily close during
24 the regular school calendar, the school district or
25 accredited nonpublic school may excuse a graduating
26 senior who has met district or school requirements for
27 graduation from attendance during the extended school
28 calendar. A school corporation may begin employment
29 of personnel for in-service training and development
30 purposes before the date to begin elementary and
31 secondary school.

32 Sec. 30. Section 426B.5, subsection 2, paragraph c,
33 Code 2015, as amended by 2015 Iowa Acts, Senate File
34 463, section 78, is amended to read as follows:

35 c. A risk pool board is created. The board
36 shall consist of two county supervisors, two county
37 auditors, a member of the mental health and disability
38 services commission who is not a member of a county
39 board of supervisors, a member of the county finance
40 committee created in chapter 333A who is not an elected
41 official, a representative of a provider of mental
42 health or developmental disabilities services selected
43 from nominees submitted by the Iowa association of
44 community providers, and two staff members of regional
45 administrators of county mental health and disability
46 services regions, all appointed by the governor, and
47 one member appointed by the director of human services.
48 All members appointed by the governor shall be subject
49 to confirmation by the senate. Members shall serve for
50 three-year terms. A vacancy shall be filled in the

1 same manner as the original appointment. Expenses and
2 other costs of the risk pool board members representing
3 counties shall be paid by the county of origin.
4 Expenses and other costs of risk pool board members
5 who do not represent counties shall be paid from a
6 source determined by the governor. Staff assistance
7 to the board shall be provided by the department of
8 human services and counties. Actuarial expenses and
9 other direct administrative costs shall be charged to
10 the pool.

11 Sec. 31. Section 459A.302, subsection 1, paragraph
12 a, unnumbered paragraph 1, Code 2015, as amended by
13 2015 Iowa Acts, House File 583, section 33, if enacted,
14 is amended to read as follows:

15 Prior to constructing a settled open feedlot
16 effluent basin or an animal truck wash effluent
17 structure, the site for the basin or structure shall
18 be investigated for a drainage tile line by the owner
19 of the open feedlot operation or animal truck wash
20 facility. The investigation shall be made by digging
21 a core trench to a depth of at least six feet deep from
22 ground level at the projected center of the berm of
23 the basin or structure. If a drainage tile line is
24 discovered, one of the following solutions shall be
25 implemented:

26 Sec. 32. Section 459A.302, subsection 2, paragraph
27 a, Code 2015, as amended by 2015 Iowa Acts, House File
28 583, section 34, if enacted, is amended to read as
29 follows:

30 a. The settled open feedlot effluent basin or
31 an animal truck wash effluent structure shall be
32 constructed with a minimum separation of two feet
33 between the top of the liner of the basin or structure
34 and the seasonal high-water table.

35 Sec. 33. Section 459A.404, subsection 3, paragraphs
36 b and c, if enacted by 2015 Iowa Acts, House File 583,
37 section 41, are amended to read as follows:

38 b. For purposes of section 459.310, subsection 4,
39 the provisions relating to an unformed manure storage
40 structure shall apply to an unformed animal truck wash
41 effluent structure and the provisions relating to a
42 formed manure storage structure shall apply to a formed
43 animal truck wash effluent structure. However, the

44 ~~c. Notwithstanding section 459.310, subsection~~
45 ~~4, a requirement in section 459.310, subsection 4,~~
46 paragraph "a", relating to animal weight capacity or
47 animal unit capacity shall not apply to the replacement
48 of an unformed animal truck wash effluent structure
49 with a formed animal truck wash effluent structure. In
50 addition, the capacity of a replacement animal truck

1 wash effluent structure shall not exceed the amount
2 required to store animal truck wash effluent for any
3 eighteen-month period.

4 Sec. 34. Section 459A.411, Code 2015, as amended by
5 2015 Iowa Acts, House File 583, section 43, if enacted,
6 is amended to read as follows:

7 **459A.411 Discontinuance of operations.**

8 The owner of an open feedlot operation or animal
9 truck wash facility who discontinues its operation
10 shall remove all effluent from related open feedlot
11 operation structures or animal truck wash effluent
12 structures used to store effluent, as soon as practical
13 but not later than six months following the date the
14 operations of the open feedlot operation or animal
15 truck wash facility ~~is~~ are discontinued.

16 Sec. 35. Section 476.53, subsection 3, paragraph a,
17 subparagraph (1), Code 2015, as amended by 2015 Iowa
18 Acts, House File 535, section 61, is amended to read
19 as follows:

20 (1) (a) Files an application pursuant to section
21 476A.3 to construct in Iowa a baseload electric
22 power generating facility with a nameplate generating
23 capacity equal to or greater than three hundred
24 megawatts or a combined-cycle electric power generating
25 facility, or an alternate energy production facility as
26 defined in section 476.42, or to significantly alter
27 an existing generating facility. For purposes of this
28 subparagraph, a significant alteration of an existing
29 generating facility must, in order to qualify for
30 establishment of ratemaking principles, fall into one
31 of the following categories:

32 (i) Conversion of a coal fueled facility into a gas
33 fueled facility.

34 (ii) Addition of carbon capture and storage
35 facilities at a coal fueled facility.

36 (iii) Addition of gas fueled capability to a coal
37 fueled facility, in order to convert the facility
38 to one that will rely primarily on gas for future
39 generation.

40 (iv) Addition of a biomass fueled capability to a
41 coal fueled facility.

42 (b) With respect to a significant alteration of
43 an existing generating facility, an original facility
44 shall not be required to be either a baseload or
45 a combined-cycle facility. Only the incremental
46 investment undertaken by a utility under subparagraph
47 division (a), subparagraph subdivision (i), (ii),
48 (iii), or (iv) shall be eligible to apply the
49 ratemaking principles established by the order issued
50 pursuant to paragraph "e". Facilities for which

1 advanced ratemaking principles are obtained pursuant
2 to this section shall not be subject to a subsequent
3 board review pursuant to section 476.6, subsection 20,
4 to the extent that the investment has been considered
5 by the board under this section. To the extent an
6 eligible utility has been authorized to make capital
7 investments subject to section 476.6, subsection 20,
8 such investments shall not be eligible for ratemaking
9 principles pursuant to this section.

10 Sec. 36. Section 602.3205, subsection 3, paragraph
11 b, if enacted by 2015 Iowa Acts, Senate File 404,
12 section 5, is amended to read as follows:

13 b. The audio recordings provided ~~in~~ to the board
14 pursuant to this subsection shall be kept confidential
15 by the board in a manner as provided in section 272C.6,
16 subsection 4.

17 Sec. 37. Section 602.11113, Code 2015, as amended
18 by 2015 Iowa Acts, House File 536, section 177, is
19 amended to read as follows:

20 **602.11113 Bailiffs employed as court attendants.**

21 Persons who were employed as bailiffs and who
22 were performing services for the court, other than
23 law enforcement services, immediately prior to July
24 1, 1983, shall be employed by the district court
25 administrators as court attendants under section
26 602.6601 on July 1, 1983.

27 Sec. 38. Section 714.23, subsection 4A, paragraph
28 a, if enacted by 2015 Iowa Acts, Senate File 501,
29 section 2, or 2015 Iowa Acts, House File 663, section
30 2, is amended to read as follows:

31 a. A student who does not receive a tuition refund
32 up to the full refund of tuition charges due to the
33 effect of an interstate reciprocity agreement under
34 section 261G.4, subsection 1, may apply to the attorney
35 general for a refund in a sum that represents the
36 difference between any tuition refund received from the
37 school and the full refund of tuition charges. For
38 purposes of this subsection, "full refund of tuition
39 charges" means the monetary sum of the refund for
40 which the student would be eligible pursuant to the
41 application of this section.

42 Sec. 39. Section 902.1, subsection 2, paragraph
43 a, unnumbered paragraph 1, as enacted by 2015 Iowa
44 Acts, Senate File 448, section 1, is amended to read
45 as follows:

46 Notwithstanding subsection 1, a defendant convicted
47 of murder in the first degree in violation of section
48 707.2, and who was under the age of eighteen at the
49 time the offense was committed shall receive one of the
50 following sentences:

1 Sec. 40. Section 916.1, subsection 1, as enacted by
2 2015 Iowa Acts, House File 496, section 1, is amended
3 to read as follows:

4 1. "*Confidential communication*" means confidential
5 information shared between a victim and a military
6 victim advocate within the advocacy relationship, and
7 includes all information received by the advocate
8 and any advice, report, or working paper given to
9 or prepared by the advocate in the course of the
10 advocacy relationship with the victim. "*Confidential*
11 *information*" is ~~confidential~~ information which, so
12 far as the victim is aware, is not disclosed to a
13 third party with the exception of a person present
14 in the consultation for the purpose of furthering the
15 interest of the victim, a person to whom disclosure
16 is reasonably necessary for the transmission of the
17 information, or a person with whom disclosure is
18 necessary for accomplishment of the purpose for which
19 the advocate is consulted by the victim.

20 Sec. 41. APPLICABILITY. The section of this
21 division of this Act amending section 279.10,
22 subsection 1, applies retroactively to April 10, 2015.

23 Sec. 42. APPLICABILITY. The section of this
24 division of this Act amending section 902.1, subsection
25 2, paragraph "a", unnumbered paragraph 1, applies
26 retroactively to the effective date of 2015 Iowa Acts,
27 Senate File 448.

28 DIVISION V

29 CONTROLLED SUBSTANCES

30 Sec. 43. Section 124.101, Code 2015, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 15A. "*Imitation controlled*
33 *substance*" means a substance which is not a controlled
34 substance but which by color, shape, size, markings,
35 and other aspects of dosage unit appearance, and
36 packaging or other factors, appears to be or resembles
37 a controlled substance. The board of pharmacy may
38 designate a substance as an imitation controlled
39 substance pursuant to the board's rulemaking authority
40 and in accordance with chapter 17A. "*Imitation*
41 *controlled substance*" also means any substance
42 determined to be an imitation controlled substance
43 pursuant to section 124.101B.

44 Sec. 44. NEW SECTION. 124.101B Factors indicating
45 an imitation controlled substance.

46 If a substance has not been designated as an
47 imitation controlled substance by the board of pharmacy
48 and if dosage unit appearance alone does not establish
49 that a substance is an imitation controlled substance,
50 the following factors may be considered in determining

1 whether the substance is an imitation controlled
2 substance:

3 1. The person in control of the substance expressly
4 or impliedly represents that the substance has the
5 effect of a controlled substance.

6 2. The person in control of the substance expressly
7 or impliedly represents that the substance because
8 of its nature or appearance can be sold or delivered
9 as a controlled substance or as a substitute for a
10 controlled substance.

11 3. The person in control of the substance either
12 demands or receives money or other property having a
13 value substantially greater than the actual value of
14 the substance as consideration for delivery of the
15 substance.

16 Sec. 45. Section 124.201, subsection 4, Code 2015,
17 is amended to read as follows:

18 4. If any new substance is designated as a
19 controlled substance under federal law and notice of
20 the designation is given to the board, the board shall
21 similarly designate as controlled the new substance
22 under this chapter after the expiration of thirty days
23 from publication in the federal register of a final
24 order designating a new substance as a controlled
25 substance, unless within that thirty-day period the
26 board objects to the new designation. In that case
27 the board shall publish the reasons for objection and
28 afford all interested parties an opportunity to be
29 heard. At the conclusion of the hearing the board
30 shall announce its decision. Upon publication of
31 objection to a new substance being designated as a
32 controlled substance under this chapter by the board,
33 control under this chapter is stayed until the board
34 publishes its decision. If a substance is designated
35 as controlled by the board under this subsection the
36 control shall be considered a temporary and if, within
37 ~~sixty days after the next regular session of the~~
38 ~~general assembly convenes, the general assembly has not~~
39 ~~made the corresponding changes in this chapter, the~~
40 ~~temporary designation of control of the substance by~~
41 ~~the board shall be nullified~~ amendment to the schedules
42 of controlled substances in this chapter. If the
43 board so designates a substance as controlled, which
44 is considered a temporary amendment to the schedules
45 of controlled substances in this chapter, and if
46 the general assembly does not amend this chapter to
47 enact the temporary amendment and make the enactment
48 effective within two years from the date the temporary
49 amendment first became effective, the temporary
50 amendment is repealed by operation of law two years

1 from the effective date of the temporary amendment. A
2 temporary amendment repealed by operation of law is
3 subject to section 4.13 relating to the construction
4 of statutes and the application of a general savings
5 provision.

6 Sec. 46. Section 124.204, subsection 4, paragraph
7 ai, subparagraphs (3), (4), and (5), Code 2015, are
8 amended by striking the subparagraphs.

9 Sec. 47. Section 124.204, subsection 4, paragraph
10 aj, Code 2015, is amended by striking the paragraph and
11 inserting in lieu thereof the following:

12 *aj.* 5-methoxy-N,N-dimethyltryptamine.

13 Some trade or other names:

14 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT.

15 Sec. 48. Section 124.204, subsection 4, paragraph
16 ak, Code 2015, is amended by striking the paragraph and
17 inserting in lieu thereof the following:

18 *ak.* 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine
19 (2C-E).

20 Sec. 49. Section 124.204, subsection 4, Code 2015,
21 is amended by adding the following new paragraphs:

22 NEW PARAGRAPH. *al.* 2-(2,5-Dimethoxy-4-
23 methylphenyl)ethanamine (2C-D).

24 NEW PARAGRAPH. *am.* 2-(4-Chloro-2,5-
25 dimethoxyphenyl)ethanamine (2C-C).

26 NEW PARAGRAPH. *an.* 2-(4-Iodo-2,5-
27 dimethoxyphenyl)ethanamine (2C-I).

28 NEW PARAGRAPH. *ao.* 2-[4-(Ethylthio)-2,5-
29 dimethoxyphenyl]ethanamine (2C-T-2).

30 NEW PARAGRAPH. *ap.* 2-[4-(Isopropylthio)-2,5-
31 dimethoxyphenyl]ethanamine (2C-T-4).

32 NEW PARAGRAPH. *aq.* 2-(2,5-Dimethoxyphenyl)
33 ethanamine (2C-H).

34 NEW PARAGRAPH. *ar.* 2-(2,5-Dimethoxy-4-
35 nitrophenyl)ethanamine (2C-N).

36 NEW PARAGRAPH. *as.* 2-(2,5-Dimethoxy-4-(n)-
37 propylphenyl)ethanamine (2C-P).

38 Sec. 50. Section 124.204, subsection 6, paragraph
39 i, subparagraph (3), Code 2015, is amended by striking
40 the subparagraph and inserting in lieu thereof the
41 following:

42 (3) 3,4-Methylenedioxy-N-methylcathinone
43 (methylone).

44 Sec. 51. Section 124.204, subsection 6, paragraph
45 i, subparagraphs (18), (19), (20), (21), and (22), Code
46 2015, are amended by striking the subparagraphs and
47 inserting in lieu thereof the following:

48 (18) 4-methyl-N-ethylcathinone. Other names:

49 4-MEC, 2-(ethylamino)-1-(4-methylphenyl)propan-1-one.

50 (19) 4-methyl-alpha6 pyrrolidinopropiophenone.

1 Other names: 4-MePPP, MePPP,
2 4-methyl-[alpha]-pyrrolidinopropiophenone, 8
3 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)-propan-1-one.
4 (20) Pentedrone. Other names:
5 [alpha]-methylaminovalerophenone,
6 2-(methylamino)-1-phenylpentan-1-one.
7 (21) Pentylone. Other names: bk-MBDP,
8 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one.
9 (22) Alpha-pyrrolidinobutiophenone. Other names:
10 [alpha]-PBP, 1-phenyl-2-(pyrrolidin-1-yl)butan-1-one.
11 Sec. 52. Section 124.204, subsection 6, paragraph
12 i, subparagraphs (23), (24), (25), and (26), Code 2015,
13 are amended by striking the subparagraphs.
14 Sec. 53. Section 124.204, subsection 9, Code 2015,
15 is amended by adding the following new paragraphs:
16 NEW PARAGRAPH. 0a. HU-210.
17 [(6aR,10aR)-9-(hydroxymethyl)-
18 6,6-dimethyl-3-(2-methyloctan-2-yl) 6a,7,10,10a-
19 tetrahydrobenzo[c] chromen-1-ol)].
20 NEW PARAGRAPH. 00a. HU-211(dexanabinol,
21 (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
22 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
23 chromen-1-ol).
24 NEW PARAGRAPH. 000a. Unless specifically exempted
25 or unless listed in another schedule, any material,
26 compound, mixture, or preparation which contains any
27 quantity of cannabimimetic agents, or which contains
28 their salts, isomers, and salts of isomers whenever the
29 existence of such salts, isomers, and salts of isomers
30 is possible within the specific chemical designation.
31 (1) The term "*cannabimimetic agents*" means any
32 substance that is a cannabinoid receptor type 1 (CB1
33 receptor) agonist as demonstrated by binding studies
34 and functional assays within any of the following
35 structural classes:
36 (a) 2-(3-hydroxycyclohexyl)phenol with substitution
37 at the 5-position of the phenolic ring by alkyl or
38 alkenyl, whether or not substituted on the cyclohexyl
39 ring to any extent.
40 (b) 3-(1-naphthoyl)indole or
41 3-(1-naphthylmethane)indole by substitution at the
42 nitrogen atom of the indole ring, whether or not
43 further substituted on the indole ring to any extent,
44 whether or not substituted on the naphthoyl or naphthyl
45 ring to any extent.
46 (c) 3-(1-naphthoyl)pyrrole by substitution at the
47 nitrogen atom of the pyrrole ring, whether or not
48 further substituted in the pyrrole ring to any extent,
49 whether or not substituted on the naphthoyl ring to any
50 extent.

1 (d) 1-(1-naphthylmethylene)indene by substitution
2 of the 3-position of the indene ring, whether or not
3 further substituted in the indene ring to any extent,
4 whether or not substituted on the naphthyl ring to any
5 extent.
6 (e) 3-phenylacetylindole or 3-benzoylindole by
7 substitution at the nitrogen atom of the indole ring,
8 whether or not further substituted in the indole ring
9 to any extent, whether or not substituted on the phenyl
10 ring to any extent.
11 (2) Such terms include:
12 (a) CP 47,497 and homologues
13 5-(1,1-dimethylheptyl)-2-
14 [(1R,3S)-3-hydroxycyclohexyl]phenol.
15 (b) JWH-018 and AM678
16 1-Pentyl-3-(1-naphthoyl)indole.
17 (c) JWH-073 1-Butyl-3-(1-naphthoyl)indole.
18 (d) JWH-200[1-[2-(4-morpholinyl)ethyl]-1H-
19 indol-3-yl]-1-naphthalenyl-methanone.
20 (e) JWH-19 1-hexyl-3-(1-naphthoyl)indole.
21 (f) JWH-81
22 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole.
23 (g) JWH-122
24 1-pentyl-3-(4-methyl-1-naphthoyl)indole.
25 (h) JWH-250
26 1-pentyl-3-(2-methoxyphenylacetyl)indole.
27 (i) RCS-4 and SR-19
28 1-pentyl-3-[(4methoxy)-benzoyl]indole.
29 (j) RCS-8 and SR 18 1-cyclohexylethyl-3-
30 (2-methoxyphenylacetyl)indole.
31 (k) AM2201
32 1-(5-fluoropentyl)-3-(1-naphthoyl)indole.
33 (l) JWH-203
34 1-pentyl-3-(2-chlorophenylacetyl)indole.
35 (m) JWH-398
36 1-pentyl-3-(4-chloro-1-naphthoyl)indole.
37 (n) AM694
38 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
39 (o) Cannabicyclohexanol or CP-47,497 C8-homolog 5-
40 (1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol.
41 NEW
42 PARAGRAPH. *0d.* N-(1-amino-3-methyl-1-oxobutan-2-
43 yl)-1-(4- fluorobenzyl)-1H-indazole-3-carboxamide.
44 Other names: AB-FUBINACA.
45 NEW PARAGRAPH. *00d.* N-(1-amino-
46 3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-
47 1 H-indazole-3-carboxamide. Other names: ADB-PINACA.
48 NEW PARAGRAPH. *000d.* Quinolin-8-yl
49 1-pentyl-1H-indole-3-carboxylate.
50 Other names: PB-22, QUPIC.

1 NEW PARAGRAPH. 0000d. Quinolin-8-yl
2 1-(5-fluoropentyl)-1H-indole-3-carboxylate. Other
3 names: 5-fluoro-PB-22, 5F-PB-22.

4 NEW
5 PARAGRAPH. 00000d. N-(1-amino-3-methyl-1-oxobutan-
6 2-yl)-1-pentyl-1H-indazole-3-carboxamide. Other names:
7 AB-PINACA.

8 NEW
9 PARAGRAPH. 000000d. N-(1-amino-3-methyl-1-oxobutan-
10 2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide.
11 Other names: AB-CHMINACA.

12 NEW
13 PARAGRAPH. 0000000d. [1-(5-fluoropentyl)-1H-indazol-
14 3-yl](naphthalen-1-yl)methanone. Other names:
15 THJ-2201.

16 Sec. 54. Section 124.208, subsection 5, paragraph
17 a, subparagraphs (3) and (4), Code 2015, are amended by
18 striking the subparagraphs.

19 Sec. 55. Section 124.210, subsection 2, Code 2015,
20 is amended by adding the following new paragraph:

21 NEW PARAGRAPH. c. 2-[(dimethylamino)methyl]-1-
22 (3-methoxyphenyl)cyclohexanol, its salts, optical
23 and geometric isomers, and salts of these isomers
24 (including tramadol).

25 Sec. 56. Section 124.210, subsection 3, Code 2015,
26 is amended by adding the following new paragraphs:

27 NEW PARAGRAPH. bb. Alfaxalone.

28 NEW PARAGRAPH. bc. Suvorexant.

29 Sec. 57. Section 124.401, subsection 1, unnumbered
30 paragraph 1, Code 2015, is amended to read as follows:

31 Except as authorized by this chapter, it is unlawful
32 for any person to manufacture, deliver, or possess with
33 the intent to manufacture or deliver, a controlled
34 substance, a counterfeit substance, ~~or~~ a simulated
35 controlled substance, or an imitation controlled
36 substance, or to act with, enter into a common scheme
37 or design with, or conspire with one or more other
38 persons to manufacture, deliver, or possess with
39 the intent to manufacture or deliver a controlled
40 substance, a counterfeit substance, ~~or~~ a simulated
41 controlled substance, or an imitation controlled
42 substance.

43 Sec. 58. Section 124.401, subsection 1, paragraph
44 a, unnumbered paragraph 1, Code 2015, is amended to
45 read as follows:

46 Violation of this subsection, with respect to
47 the following controlled substances, counterfeit
48 substances, ~~or~~ simulated controlled substances, or
49 imitation controlled substances, is a class "B" felony,
50 and notwithstanding section 902.9, subsection 1,

1 paragraph "b", shall be punished by confinement for no
2 more than fifty years and a fine of not more than one
3 million dollars:

4 Sec. 59. Section 124.401, subsection 1, paragraph
5 a, Code 2015, is amended by adding the following new
6 subparagraph:

7 NEW SUBPARAGRAPH. (8) More than ten kilograms of a
8 mixture or substance containing any detectable amount
9 of those substances identified in section 124.204,
10 subsection 9.

11 Sec. 60. Section 124.401, subsection 1, paragraph
12 b, unnumbered paragraph 1, Code 2015, is amended to
13 read as follows:

14 Violation of this subsection with respect to
15 the following controlled substances, counterfeit
16 substances, ~~or~~ simulated controlled substances, or
17 imitation controlled substances is a class "B" felony,
18 and in addition to the provisions of section 902.9,
19 subsection 1, paragraph "b", shall be punished by a
20 fine of not less than five thousand dollars nor more
21 than one hundred thousand dollars:

22 Sec. 61. Section 124.401, subsection 1, paragraph
23 b, Code 2015, is amended by adding the following new
24 subparagraph:

25 NEW SUBPARAGRAPH. (9) More than five kilograms but
26 not more than ten kilograms of a mixture or substance
27 containing any detectable amount of those substances
28 identified in section 124.204, subsection 9.

29 Sec. 62. Section 124.401, subsection 1, paragraph
30 c, unnumbered paragraph 1, Code 2015, is amended to
31 read as follows:

32 Violation of this subsection with respect to
33 the following controlled substances, counterfeit
34 substances, ~~or~~ simulated controlled substances, or
35 imitation controlled substances is a class "C" felony,
36 and in addition to the provisions of section 902.9,
37 subsection 1, paragraph "d", shall be punished by a
38 fine of not less than one thousand dollars nor more
39 than fifty thousand dollars:

40 Sec. 63. Section 124.401, subsection 1, paragraph
41 c, Code 2015, is amended by adding the following new
42 subparagraph:

43 NEW SUBPARAGRAPH. (8) Five kilograms or less of a
44 mixture or substance containing any detectable amount
45 of those substances identified in section 124.204,
46 subsection 9.

47 Sec. 64. Section 124.401, subsection 1, paragraph
48 c, subparagraph (8), Code 2015, is amended to read as
49 follows:

50 ~~(8)~~ (9) Any other controlled substance,

1 counterfeit substance, ~~or~~ simulated controlled
2 substance, or imitation substance classified in
3 schedule I, II, or III, except as provided in paragraph
4 "d".

5 Sec. 65. Section 124.401, subsection 1, paragraph
6 d, Code 2015, is amended to read as follows:

7 d. Violation of this subsection, with respect
8 to any other controlled substances, counterfeit
9 substances, ~~or~~ simulated controlled substances
10 ~~classified in section 124.204, subsection 4, paragraph~~
11 ~~"a", or section 124.204, subsection 6, paragraph "i",~~
12 ~~or, or imitation controlled substances~~ classified
13 in schedule IV or V is an aggravated misdemeanor.
14 However, violation of this subsection involving
15 fifty kilograms or less of marijuana or involving
16 flunitrazepam is a class "D" felony.

17 Sec. 66. Section 124.401, subsection 2, Code 2015,
18 is amended to read as follows:

19 2. If the same person commits two or more acts
20 which are in violation of subsection 1 and the acts
21 occur in approximately the same location or time
22 period so that the acts can be attributed to a single
23 scheme, plan, or conspiracy, the acts may be considered
24 a single violation and the weight of the controlled
25 substances, counterfeit substances, ~~or~~ simulated
26 controlled substances, or imitation controlled
27 substances involved may be combined for purposes of
28 charging the offender.

29 Sec. 67. Section 124.401, subsection 5, unnumbered
30 paragraph 1, Code 2015, is amended to read as follows:

31 It is unlawful for any person knowingly or
32 intentionally to possess a controlled substance unless
33 such substance was obtained directly from, or pursuant
34 to, a valid prescription or order of a practitioner
35 while acting in the course of the practitioner's
36 professional practice, or except as otherwise
37 authorized by this chapter. Any person who violates
38 this subsection is guilty of a serious misdemeanor for
39 a first offense. A person who commits a violation of
40 this subsection and who has previously been convicted
41 of violating this chapter or chapter ~~124A~~, 124B~~7~~ or
42 453B, or chapter 124A as it existed prior to July
43 1, 2015, is guilty of an aggravated misdemeanor. A
44 person who commits a violation of this subsection and
45 has previously been convicted two or more times of
46 violating this chapter or chapter ~~124A~~, 124B~~7~~ or 453B
47 is guilty of a class "D" felony.

48 Sec. 68. Section 124.401A, Code 2015, is amended to
49 read as follows:

50 **124.401A Enhanced penalty for manufacture or**

1 **distribution to persons on certain real property.**

2 In addition to any other penalties provided in
3 this chapter, a person who is eighteen years of age
4 or older who unlawfully manufactures with intent to
5 distribute, distributes, or possesses with intent to
6 distribute a substance or counterfeit substance listed
7 in schedule I, II, or III, or a simulated or imitation
8 controlled substance represented to be a controlled
9 substance classified in schedule I, II, or III, to
10 another person who is eighteen years of age or older in
11 or on, or within one thousand feet of the real property
12 comprising a public or private elementary or secondary
13 school, public park, public swimming pool, public
14 recreation center, or on a marked school bus, may be
15 sentenced up to an additional term of confinement of
16 five years.

17 Sec. 69. Section 124.401B, Code 2015, is amended to
18 read as follows:

19 **124.401B Possession of controlled substances on**
20 **certain real property — additional penalty.**

21 In addition to any other penalties provided in this
22 chapter or another chapter, a person who unlawfully
23 possesses a substance listed in schedule I, II, or
24 III, or a simulated or imitation controlled substance
25 represented to be a controlled substance classified
26 in schedule I, II, or III, in or on, or within one
27 thousand feet of the real property comprising a public
28 or private elementary or secondary school, public park,
29 public swimming pool, public recreation center, or on
30 a marked school bus, may be sentenced to one hundred
31 hours of community service work for a public agency
32 or a nonprofit charitable organization. The court
33 shall provide the offender with a written statement of
34 the terms and monitoring provisions of the community
35 service.

36 Sec. 70. Section 124.406, subsection 2, Code 2015,
37 is amended to read as follows:

38 2. A person who is eighteen years of age or older
39 who:

40 a. Unlawfully distributes or possesses with the
41 intent to distribute a counterfeit substance listed
42 in schedule I or II, or a simulated or imitation
43 controlled substance represented to be a substance
44 classified in schedule I or II, to a person under
45 eighteen years of age commits a class "B" felony.
46 However, if the substance was distributed in or on,
47 or within one thousand feet of, the real property
48 comprising a public or private elementary or secondary
49 school, public park, public swimming pool, public
50 recreation center, or on a marked school bus, the

1 person shall serve a minimum term of confinement of ten
2 years.

3 **b.** Unlawfully distributes or possesses with intent
4 to distribute a counterfeit substance listed in
5 schedule III, or a simulated or imitation controlled
6 substance represented to be any substance listed in
7 schedule III, to a person under eighteen years of age
8 who is at least three years younger than the violator
9 commits a class "C" felony.

10 **c.** Unlawfully distributes a counterfeit substance
11 listed in schedule IV or V, or a simulated or imitation
12 controlled substance represented to be a substance
13 listed in schedule IV or V, to a person under eighteen
14 years of age who is at least three years younger than
15 the violator commits an aggravated misdemeanor.

16 Sec. 71. Section 124.415, Code 2015, is amended to
17 read as follows:

18 **124.415 Parental and school notification — persons**
19 **under eighteen years of age.**

20 A peace officer shall make a reasonable effort to
21 identify a person under the age of eighteen discovered
22 to be in possession of a controlled substance,
23 counterfeit substance, ~~or~~ simulated controlled
24 substance, or imitation controlled substance in
25 violation of this chapter, and if the person is not
26 referred to juvenile court, the law enforcement agency
27 of which the peace officer is an employee shall make
28 a reasonable attempt to notify the person's custodial
29 parent or legal guardian of such possession, whether
30 or not the person is arrested, unless the officer has
31 reasonable grounds to believe that such notification
32 is not in the best interests of the person or will
33 endanger that person. If the person is taken into
34 custody, the peace officer shall notify a juvenile
35 court officer who shall make a reasonable effort to
36 identify the elementary or secondary school the person
37 attends, if any, and to notify the superintendent of
38 the school district, the superintendent's designee,
39 or the authorities in charge of the nonpublic school
40 of the taking into custody. A reasonable attempt to
41 notify the person includes but is not limited to a
42 telephone call or notice by first-class mail.

43 Sec. 72. **NEW SECTION. 124.417 Imitation controlled**
44 **substances — exceptions.**

45 It is not unlawful under this chapter for a person
46 registered under section 124.302, to manufacture,
47 deliver, or possess with the intent to manufacture or
48 deliver, or to act with, one or more other persons
49 to manufacture, deliver, or possess with the intent
50 to manufacture or deliver an imitation controlled

1 substance for use as a placebo by a registered
2 practitioner in the course of professional practice or
3 research.

4 Sec. 73. Section 124.502, subsection 1, paragraph
5 a, Code 2015, is amended to read as follows:

6 a. A district judge or district associate judge,
7 within the court's jurisdiction, and upon proper
8 oath or affirmation showing probable cause, may issue
9 warrants for the purpose of conducting administrative
10 inspections under this chapter or a related rule
11 ~~or under chapter 124A~~. The warrant may also permit
12 seizures of property appropriate to the inspections.
13 For purposes of the issuance of administrative
14 inspection warrants, probable cause exists upon showing
15 a valid public interest in the effective enforcement
16 of the statute or related rules, sufficient to justify
17 administrative inspection of the area, premises,
18 building, or conveyance in the circumstances specified
19 in the application for the warrant.

20 Sec. 74. Section 155A.6, subsection 3, Code 2015,
21 is amended to read as follows:

22 3. The board shall establish standards for
23 pharmacist-intern registration and may deny, suspend,
24 or revoke a pharmacist-intern registration for failure
25 to meet the standards or for any violation of the laws
26 of this state, another state, or the United States
27 relating to prescription drugs, controlled substances,
28 or nonprescription drugs, or for any violation of this
29 chapter or chapter 124, ~~124A~~, 124B, 126, 147, or 205,
30 or any rule of the board.

31 Sec. 75. Section 155A.6A, subsection 5, Code 2015,
32 is amended to read as follows:

33 5. The board may deny, suspend, or revoke the
34 registration of, or otherwise discipline, a registered
35 pharmacy technician for any violation of the laws
36 of this state, another state, or the United States
37 relating to prescription drugs, controlled substances,
38 or nonprescription drugs, or for any violation of this
39 chapter or chapter 124, ~~124A~~, 124B, 126, 147, 205, or
40 272C, or any rule of the board.

41 Sec. 76. Section 155A.6B, subsection 5, Code 2015,
42 is amended to read as follows:

43 5. The board may deny, suspend, or revoke the
44 registration of a pharmacy support person or otherwise
45 discipline the pharmacy support person for any
46 violation of the laws of this state, another state,
47 or the United States relating to prescription drugs,
48 controlled substances, or nonprescription drugs, or for
49 any violation of this chapter or chapter 124, ~~124A~~,
50 124B, 126, 147, 205, or 272C, or any rule of the board.

1 Sec. 77. Section 155A.13A, subsection 3, Code 2015,
2 is amended to read as follows:

3 3. *Discipline.* The board may deny, suspend, or
4 revoke a nonresident pharmacy license for any violation
5 of this section, section 155A.15, subsection 2,
6 paragraph "a", "b", "d", "e", "f", "g", "h", or "i",
7 chapter 124, ~~124A~~, 124B, 126, or 205, or a rule of the
8 board.

9 Sec. 78. Section 155A.17, subsection 2, Code 2015,
10 is amended to read as follows:

11 2. The board shall establish standards for drug
12 wholesaler licensure and may define specific types of
13 wholesaler licenses. The board may deny, suspend, or
14 revoke a drug wholesale license for failure to meet the
15 applicable standards or for a violation of the laws
16 of this state, another state, or the United States
17 relating to prescription drugs, devices, or controlled
18 substances, or for a violation of this chapter, chapter
19 124, ~~124A~~, 124B, 126, or 205, or a rule of the board.

20 Sec. 79. Section 155A.42, subsection 4, Code 2015,
21 is amended to read as follows:

22 4. The board may deny, suspend, or revoke a limited
23 drug and device distributor's license for failure to
24 meet the applicable standards or for a violation of
25 the laws of this state, another state, or the United
26 States relating to prescription drugs or controlled
27 substances, or for a violation of this chapter, chapter
28 124, ~~124A~~, 124B, 126, 205, or 272C, or a rule of the
29 board.

30 Sec. 80. REPEAL. Chapter 124A, Code 2015, is
31 repealed.

32 DIVISION VI

33 ASSET VERIFICATION SYSTEM — MEDICAID

34 Sec. 81. MEDICAID PROGRAM — ASSET, INCOME, AND
35 IDENTITY VERIFICATION. The department of human
36 services shall issue a request for proposals to
37 contract with a third-party vendor to establish an
38 electronic asset, income, and identity eligibility
39 verification system for the purposes of compliance
40 with 42 U.S.C. §1396w requiring determination or
41 redetermination of the eligibility of an individual who
42 is an applicant for or recipient of medical assistance
43 under the Medicaid state plan on the basis of being
44 aged, blind, or disabled in accordance with 42 U.S.C.
45 §1396w. The third-party vendor selected shall be able
46 to demonstrate in writing its current relationships or
47 contracts with financial institutions in the state and
48 nationally. Participation by financial institutions in
49 providing account balances for asset verification shall
50 remain voluntary.

1 Sec. 82. EFFECTIVE UPON ENACTMENT. This division
2 of this Act, being deemed of immediate importance,
3 takes effect upon enactment.

4 DIVISION VII

5 DEPARTMENT OF MANAGEMENT — DUTIES

6 Sec. 83. Section 8.6, subsections 12 and 13, Code
7 2015, are amended by striking the subsections.

8 Sec. 84. Section 8A.111, Code 2015, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 11. An annual report on the
11 administration and promotion of equal opportunity in
12 state contracts and services under section 19B.7.

13 Sec. 85. Section 19B.6, Code 2015, is amended to
14 read as follows:

15 **19B.6 Responsibilities of department of**
16 **administrative services and ~~department of management~~ —**
17 **affirmative action.**

18 The department of administrative services shall
19 oversee the implementation of sections 19B.1 through
20 19B.5 and shall work with the governor to ensure
21 compliance with those sections, including the
22 attainment of affirmative action goals and timetables,
23 by all state agencies, excluding the state board
24 of regents and its institutions. ~~The department of~~
25 ~~management shall oversee the implementation of sections~~
26 ~~19B.1 through 19B.5 and shall work with the governor to~~
27 ~~ensure compliance with those sections, including the~~
28 ~~attainment of affirmative action goals and timetables,~~
29 ~~by the state board of regents and its institutions.~~

30 Sec. 86. Section 19B.7, subsection 1, unnumbered
31 paragraph 1, Code 2015, is amended to read as follows:

32 Except as otherwise provided in subsection 2, the
33 department of ~~management~~ administrative services is
34 responsible for the administration and promotion of
35 equal opportunity in all state contracts and services
36 and the prohibition of discriminatory and unfair
37 practices within any program receiving or benefiting
38 from state financial assistance in whole or in part.
39 In carrying out these responsibilities the department
40 of ~~management~~ administrative services shall:

41 Sec. 87. Section 19B.8, Code 2015, is amended to
42 read as follows:

43 **19B.8 Sanctions.**

44 The department of ~~management~~ administrative services
45 may impose appropriate sanctions on individual state
46 agencies, including the state board of regents and
47 its institutions, and upon a community college, area
48 education agency, or school district, in order to
49 ensure compliance with state programs emphasizing
50 equal opportunity through affirmative action, contract

1 compliance policies, and requirements for procurement
2 goals for targeted small businesses.

3 DIVISION VIII

4 ANIMAL TRUCK WASH FACILITIES

5 Sec. 88. Section 459A.105, subsection 2, paragraph
6 b, as enacted by 2015 Iowa Acts, House File 583,
7 section 10, is amended to read as follows:

8 b. (1) The requirements of section 459A.205,
9 including rules adopted by the commission pursuant
10 to that section shall apply to a small animal truck
11 wash facility only to the extent required by section
12 459A.205, subsection 4A.

13 (2) The requirements of ~~sections~~ section 459A.404,
14 and including rules adopted by the commission pursuant
15 to that section, shall apply to a small animal truck
16 wash facility. However, 459A.404, subsection 1, shall
17 only apply to a small animal truck wash facility as
18 provided in that subsection.

19 (3) The requirements of section 459A.410, including
20 rules adopted by the commission under ~~these provisions~~
21 that section, shall apply to a small animal truck wash
22 facility.

23 Sec. 89. Section 459A.404, subsection 1, as enacted
24 by 2015 Iowa Acts, House File 583, section 41, is
25 amended by adding the following new paragraph:

26 NEW PARAGRAPH. *0e.* Paragraph "a" or "b" does not
27 apply to a small animal truck wash facility.

28 DIVISION IX

29 COUNTY COURTHOUSES

30 Sec. 90. Section 602.6105, subsection 2, Code 2015,
31 is amended to read as follows:

32 2. In any county having two county seats,
33 court shall be held at each, ~~and, in the county of~~
34 ~~Pottawattamie, court shall be held at Avoca, as well as~~
35 ~~at the county seat.~~

36 Sec. 91. REPEAL. 1884 Iowa Acts, chapter 198, is
37 repealed.

38 DIVISION X

39 IOWA EDUCATION SAVINGS PLAN TRUST

40 Sec. 92. Section 422.7, subsection 32, paragraph a,
41 Code 2015, is amended to read as follows:

42 a. Subtract the maximum contribution that may be
43 deducted for Iowa income tax purposes as a participant
44 in the Iowa educational savings plan trust pursuant
45 to section 12D.3, subsection 1, paragraph "a". For
46 purposes of this paragraph, a participant who makes
47 a contribution on or before the date prescribed in
48 section 422.21 for making and filing an individual
49 income tax return, excluding extensions, may elect to
50 be deemed to have made the contribution on the last

1 day of the preceding calendar year. The director,
2 after consultation with the treasurer of state, shall
3 prescribe by rule the manner and method by which a
4 participant may make an election authorized by the
5 preceding sentence.

6 Sec. 93. RETROACTIVE APPLICABILITY. This division
7 of this Act applies retroactively to January 1, 2015,
8 for tax years beginning on or after that date.

9 DIVISION XI

10 TECHNOLOGY REINVESTMENT FUND

11 Sec. 94. TECHNOLOGY REINVESTMENT FUND —

12 APPROPRIATIONS. There is appropriated from the
13 technology reinvestment fund created in section 8.57C
14 to the following entities for the fiscal year beginning
15 July 1, 2015, and ending June 30, 2016, the following
16 amounts, or so much thereof as is necessary, to be used
17 for the purposes designated:

18 1. OFFICE OF CHIEF INFORMATION OFFICER

19 a. For the updating and upgrading capabilities of
20 aging voter registration systems and business services
21 data systems to meet current and future expectations of
22 open and transparent elections:

23 \$ 450,000

24 b. For data processing services to support voter
25 registration file maintenance and storage:

26 \$ 234,000

27 2. DEPARTMENT OF EDUCATION

28 a. For the continued development and implementation
29 of an educational data warehouse that will be utilized
30 by teachers, parents, school district administrators,
31 area education agency staff, department of education
32 staff, and policymakers:

33 \$ 600,000

34 The department may use a portion of the moneys
35 appropriated in this lettered paragraph for an
36 e-transcript data system capable of tracking students
37 throughout their education via interconnectivity with
38 multiple schools.

39 b. For maintenance and lease costs associated with
40 connections for part III of the Iowa communications
41 network:

42 \$ 2,727,000

43 3. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
44 COMMISSION

45 For replacement of equipment for the Iowa
46 communications network:

47 \$ 2,248,653

48 The commission may continue to enter into contracts
49 pursuant to section 8D.13 for the replacement of
50 equipment and for operations and maintenance costs of

1 the network.

2 In addition to moneys appropriated in this
3 subsection, the commission may use a financing
4 agreement entered into by the treasurer of state in
5 accordance with section 12.28 for the replacement
6 of equipment for the network. For purposes of this
7 subsection, the treasurer of state is not subject to
8 the maximum principal limitation contained in section
9 12.28, subsection 6. Repayment of any amounts financed
10 shall be made from receipts associated with fees
11 charged for use of the network.

12 4. DEPARTMENT OF HUMAN RIGHTS

13 For the costs associated with the justice enterprise
14 data warehouse:

15 \$ 159,474

16 5. DEPARTMENT OF MANAGEMENT

17 a. For the continued development and implementation
18 of a searchable database that can be placed on the
19 internet for budget and financial information:

20 \$ 45,000

21 b. For completion of the comprehensive electronic
22 grant management system:

23 \$ 50,000

24 6. DEPARTMENT OF PUBLIC HEALTH

25 a. For the costs associated with the review of all
26 department of public health databases applications and
27 systems in use to identify efficiencies:

28 \$ 400,000

29 b. For acquisition of software relating to
30 the licensure and regulation of the practice of
31 polysomnography:

32 \$ 36,000

33 7. DEPARTMENT OF PUBLIC SAFETY

34 For the provision of a statewide public safety
35 radio network and the purchase of compatible radio
36 communications equipment with the goal of achieving
37 compliance with the federal communications commission's
38 narrowband mandate deadline, and for achieving
39 interoperability, as defined in section 80.28:

40 \$ 1,874,000

41 8. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY
42 MANAGEMENT

43 For the implementation of a statewide mass
44 notification and emergency messaging system:

45 \$ 400,000

46 Sec. 95. REVERSION. For purposes of section 8.33,
47 unless specifically provided otherwise, unencumbered
48 or unobligated moneys made from an appropriation in
49 this division of this Act shall not revert but shall
50 remain available for expenditure for the purposes

1 designated until the close of the fiscal year that ends
2 three years after the end of the fiscal year for which
3 the appropriation is made. However, if the project
4 or projects for which such appropriation was made are
5 completed in an earlier fiscal year, unencumbered or
6 unobligated moneys shall revert at the close of that
7 same fiscal year.

8 DIVISION XII

9 RADIO COMMUNICATIONS UPGRADE

10 Sec. 96. MORTGAGE SERVICING SETTLEMENT FUND —
11 DEPARTMENT OF PUBLIC SAFETY.

12 1. There is transferred from the mortgage servicing
13 settlement fund created in 2012 Iowa Acts, chapter
14 1138, section 7, subsection 1, to the department
15 of public safety for the fiscal year beginning July
16 1, 2014, and ending June 30, 2015, the amount of
17 \$626,000 for the provision of a statewide public safety
18 radio network and the purchase of compatible radio
19 communications equipment with the goal of achieving
20 compliance with the federal communications commission's
21 narrowband mandate deadline, and for achieving
22 interoperability, as defined in section 80.28.

23 2. Notwithstanding section 8.33, moneys
24 appropriated in this section that remain unencumbered
25 or unobligated at the close of the fiscal year shall
26 not revert but shall remain available for expenditure
27 for the purposes designated until the close of the
28 succeeding fiscal year.

29 Sec. 97. EFFECTIVE UPON ENACTMENT. This division
30 of this Act, being deemed of immediate importance,
31 takes effect upon enactment.>

32 2. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
SODERBERG of Plymouth, Chairperson